

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff

vs.

JAMIE EDELKIND,

Defendant

CRIMINAL FILE NO. 04-10006-MEL

HON. MORRIS E. LASKER, USDJ

FILED
CLERKS OFFICE
2005 FEB 18 P 12:58

U.S. DISTRICT COURT
DISTRICT OF MASS

MOTION FOR CONTINUANCE OF TRIAL DATE

NOW COMES the above named Defendant, JAMIE EDELKIND, Pro Se, and hereby files the above captioned Motion for Continuance of the Trial Date schedule for February 28, 2005, and in support states as follows:

1. The original Information was filed in March 2004 in the above captioned case.

2. This case was transferred to the Northern District of Georgia to be disposed of in connection with a pending Indictment in United States v. Edelkind, in Atlanta, Georgia.

3. Due to procedural and strategic issues the above captioned case was transferred back to the District of Massachusetts in September 2004.

4. On October 6, 2004, Defendant Edelkind self-surrendered to the BOP officials at the Federal Medical Center at Camp Devens in Ayer, Massachusetts, pursuant to a Judgment of Conviction entered in the Northern District of Georgia.

5. Defendant Edelkind remains incarcerated at Camp Devens awaiting release pursuant to a Motion filed by his attorney's in the Georgia proceedings.

6. In approximately November, 2003, Defendant retained the service of attorney Robert Sheketoff of Boston, Massachusetts to represent him in the above entitled matter.

7. Since the time of retaining attorney Sheketoff he has received no case related documents from counsel, nor has he received any updates or the status of his case from counsel.

8. Defendant Edelkind, has met with Attorney Sheketoff on only one occasion while he has been in custody at Camp Devens, that meeting having taken place in early December 2004.

9. Defendant Edelkind has spoken with his attorney on three (3) separate occasions for a total of ten (10) minutes cumulatively, and all such calls have been monitored.

10. Upon information and belief a Superseding Information was accepted on behalf of the Defendant by attorney Sheketoff, without Defendant being made aware or being advised of the existence of the Superseding Information, nor has he seen the contents of that information.

11. Defendant learned of the existence of the Superseding Information in a brief phone call with his attorney on February 7, 2005. It was on this date that attorney Sheketoff notified Defendant that a trial on the Information was scheduled for February 28, 2005.

12. In addition, attorney Sheketoff advised Defendant that he was in the middle of a murder trial and could not spend any time to speak with the Defendant about this case until his murder trial was concluded.

13. Defendant inquired about the content of the Superseding Information and was advised that a copy would be mailed to him. As of the date of the filing of the instant Motion, Defendant has not received a copy of that document. He has sought to obtain a copy from the Clerk's Office.

14. Defendant has not had the opportunity to meet with counsel in order to prepare for trial, to discuss strategy, determine a defense to the allegations of the Superseding information which he has not seen, subpoena witnesses, consider the nature of valid pre-trial motions, develop a witness list, nor make any informed decision as to alternatives to a trial in this matter.

15. Since learning of the existence of the Superseding Information and the pending trial date, Defendant has dilligently sought to communicate with his attorney in an attempt to understand the charges and to prepare a defense. Despite over thirty (30) attempted phone calls made by Defendant, as well as repeated faxes sent by Defendant's wife and numerous voice mail mesages left on attorney Sheketoff's voice mail, and the transmitting of three (3) separate letters, no contact with counsel has occurred.

16. Upon information and belief, Defendant's wife has ascertained that attorney Sheketoff was actually engaged in a murder trial during this period of time.

17. The Defendant has limited phone call minutes during any one month period while in custody at Camp Devens, and these minutes have been depleted for the month of February and he is presently under the good graces of the BOP staff to be allowed to make confidential calls to his attorney.

18. Defendant is presently scheduled to complete his sentence in the Georgia proceedings on May 11, 2005 and will be released to the Coolidge Half-Way House in Boston, Massachusetts on March 11, 2005, unless he is released prior to that date as a result of a Motion filed in the Georgia case relating to issues involving the application of Blakely, as well as Booker/Fanfan.

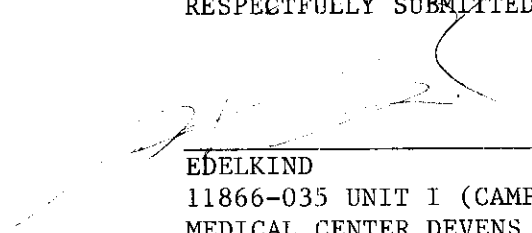
19. Defendant cannot be properly prepared to proceed to trial in this matter unless he can meet with counsel to discuss the case in detail, all of which has not occurred as of the date of the filing of the instant Motion.

20. Based on the above recited facts, and in the interests of justice and fairness, Defendant requests that an adjournment of the trial date presently scheduled for February 28, 2005 be granted.

WHEREFORE, Defendant, JAMIE EDELKIND respectfully requests that a continuance of ninety (90) days of the trial date be authorized by this Court, or such other relief that would just and appropriate.

DATED: FEBRUARY 17, 2005

RESPECTFULLY SUBMITTED,



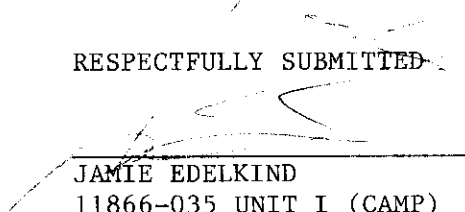
JAMIE
EDELKIND
11866-035 UNIT I (CAMP) FEDERAL
MEDICAL CENTER DEVENS P.O.
BOX 879
AYER, MA. 01432

CERTIFICATE OF SERVICE

I, JAMIE EDELKIND, Defendant in the above captioned case hereby certify that I mailed a copy of the Motion for Continuance of Trial Date in an envelope sent first-class mail with postage pre-paid by placing it in the mail box located at Camp Devens addressed to: U.S. Attorney's Office 1 Courthouse Way Suite 9200 Boston, MA. 02210 ATTN: AUSA Levinson and to Robert Sheketoff One McKinley Square Boston, MA. 02109.

DATED: FEBRUARY 17, 2005

RESPECTFULLY SUBMITTED



JAMIE EDELKIND
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